

“the light guide tube (15) has a function of stabling refill (13)...light can be guided by the light guide tube (15) so that light is transferred from the upper end to the lower end.” In page 4 line 5, “a top of the light guide tube (15) resist against a lower end of the light emitting device (22)”, the light guide tube is used to transmit the light to show the films with printing text or pattern on the inner tube and outer tube, or hollow pattern inside the lower end of the outer tube with trademark like pattern as mentioned above.

Secondly, the advertise effect of the present invention, for example, as described in the page 4, line 21~page 5, line 4 “ lighting emitting body (25) lights up, light emits downwards through the light guide tube (15), and then emits out through the inner tube (12) so that patterns or texts on the film (12a) are displayed clearly...the light is reflected through the transparent outer tube (11) and incident to the paper for writing...concave or convex patterns or texts will have vivid images by the impinging of the light from the inner tube (12).”

#### **AMENDMENT**

##### **IN THE CLAIM**

Please amend Claims 1,2, and 4, (according to the original claims) without prejudice or disclaimer of the subject matter thereof, since in the office action, the prior amended claim 1, the words “a surface of the inner tube is coated with film having advertising patterns or texts thereon; the film is basically transparent except patterns or texts, the patterns or textures on the film being concave or convex from a surface of the film and the film on the surface of the inner tube being above a section which is held by fingers of a writer” has been cited by the Examiner in the office action to differ from the cited Chen USP 6,238,057, it shall be retained in the amended claim 1, and the claim 4 is amended now according to the Examiner’s suggestion, in line 2, the word “textures” corrected as “texts”.

Thereby, it is assured that the claims 3,4,and 5 are based on the original claims and thus no new matter is added. The relation of the new claims with respect to the original claims are illustrated in the following REMARK from which Examiner can know the relation easily.

## LIST OF CLAIMS

1. (currently amended)An advertising light emitting pen comprising an upper pen tube and a lower pen tube; the upper pen tube including a light emitting device, and a push-and-brake device for driving the light emitting device to move; the lower pen tube including an outer tube, an inner tube in the outer tube, a refill in the inner tube, an resilient spring in the inner tube and below the refill, and a light guide tube in the inner tube and being passed by an upper section of the refill;

wherein a top of the light guide tube resists against a lower end of the light emitting device; a surface of the inner tube is coated with film having advertising patterns or texts thereon; the film ~~includes two parts with one part being a transparent surface and another part being an opaque surface for printing wit~~ basically is transparent except pattern or texts ~~the transparent surface has no pattern or text thereon~~; when the light emitting device lights up, light transmits into the inner tube through the light guide tube and then emits out from the inner tube; the light emits from ~~the or reflects~~ through the outer tube to radiate into a paper to be written.

2. (currently amended)The advertising light emitting pen as claimed in claim 1, wherein predetermined parts of a lower end of an outer tube of the upper pen tube are hollowed to form a pattern; and a position of the pattern ~~is~~ sets aside the light emitting device.

3. (original)The advertising light emitting pen as claimed in claim 1, wherein the light guide tube is integrally formed with the refill.

4. (currently amended)The advertising light emitting pen as claimed in claim 1, wherein the patterns or ~~textures~~ texts on the film are concave or convex from a surface of the film.

5. (original)The advertising light emitting pen as claimed in claim 1, wherein the film on the surface of the inner tube is above a section which is held by fingers of a writer.